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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,766	09/10/2003	Rainer Barth	BARTH-2	4858
20151 7590 11/20/2009 HENRY M FEIEREISEN, LLC HENRY M FEIEREISEN 708 THIRD AVENUE SUITE 1501 NEW YORK, NY 10017				
EXAMINER DENNISON, JERRY B				
ART UNIT 2443		PAPER NUMBER		
NOTIFICATION DATE 11/20/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFO@FEIEREISENLLC.COM

Office Action Summary

Application No.

10/659,766

Applicant(s)

BARTH, RAINER

Examiner

J Bret Dennison

Art Unit

2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14, 15 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14, 15, 17-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

RESPONSE TO AMENDMENT

1. This Action is in response to the Amendment for Application Number 10/659,766 received on 6/30/2009.
2. Claims 1-12, 14-15, 17-24 are presented for examination.
3. Claims 23-24 have been newly added.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-22 re rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 1 and 11 recite the limitation, "sensitive event-relevant information". It is unclear to Examiner what is considered to be "sensitive" event-relevant information. Applicant's Specification does not provide the detail to describe what "sensitive" event-relevant information includes, or does not include. Paragraph [0024] recites, "The e-mail, the SMS or the voice message themselves do not contain any sensitive information." This sentence appears to be the only sentence in Applicant's Specification that even mentions the term "sensitive." However, this does not define what is considered to be sensitive. As such, it is unclear to Examiner as to what is considered to be sensitive and what is considered not to be sensitive event-relevant information.

Dependent claims 2-10 and 12-22 include the subject matter of their parent claims and are therefore rejected for the same rationale.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-4 and 7-12, 14-15, 17-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhou et al. (US 20080186166).
7. Regarding claim 1, Zhou disclosed an Application Service Provider ("ASP") which serves as an intermediary between devices and end users, providing users the ability to monitor sensor data for one or more devices. Zhou disclosed the ASP comprising one

or more servers, including web servers and database servers, for which users have the ability to access device data, specify alert threshold values and receive notifications from the ASP (Zhou, [0021]). Zhou further disclosed that the users may specify what device the user is to receive the alerts (Zhou, [0079]). As such, the system of Zhou clearly assigns a specific receiver to each alarm event as specified by the user. Zhou disclosed users accessing the ASP through a secure website allowing authorized users to update device configurations, set up alerts, monitor other parameters, as well as view sensor data (Zhou, [0022], [0111]). As such, Zhou clearly disclosed that only authorized users can access device information through the secure site. Zhou disclosed that users who cannot access the ASP website can contact a Call Management Center via a convention telephone communication network, and that users "may call the CMC for additional information beyond the basic message generated by the ASP's automatic notification system (Zhou, [0022], [0102]). As such, it is evident that Zhou disclosed the notification system only sending a basic message indicating that an alert event occurred, and the user must either log in to the secure website to find out additional information or call the CMC, which requires "PIN verification" (Zhou, [0022]).

Therefore, Zhou disclosed a method for securely providing event-relevant information about an alarm event occurring in a machine from an industrial controller controlling the machine to a specified remote receiver via a network using an Internet-related protocol, comprising the steps of:

assigning a specific receiver to each specific alarm event (Zhou, [0079]);

writing the event-relevant information provided by the controller to a database, said event-relevant information including sensitive event-relevant information (Zhou, [0065]-[0068], ASP database stores all device information including historical and status information)

transmitting to the specified receiver in response to the alarm event a receiver-specific message indicating that the alarm event has occurred and not containing said sensitive event-relevant information (Zhou, [0022], [0102], Zhou disclosed a "basic message" being sent by the notification system; see also [0089]); and

accessing the event-relevant information written to the database for the specified receiver via a Web server using a cryptographically protected communication protocol based on an Internet browser in response to the receiver-specific message (Zhou, [0022]-[0023], Zhou disclosed the use accessing a secure website using SSL), and

performing at least one of failure analysis or fault repair on the machine using the sensitive event-relevant information accessed using said cryptographically protected communication protocol (Zhou, [0023], [0111], [0067] Zhou disclosed the system detecting when a device fails; [0101], Zhou disclosed providing basic alerts to admins for when errors are detected; [0111], Zhou disclosed users use the website to update the configurations of the devices using historical information for the devices; [0114] Zhou disclosed the users analyzing the collected information after being authorized on the website).

8. Regarding claim 2, Zhou disclosed the limitations as described in claim 1, including wherein the cryptographically protected communication protocol based on the Internet browser comprises a "Hypertext Transfer Protocol Security" protocol (Zhou, [0023], Zhou disclosed using Secure Socket Layer).

9. Regarding claim 3, Zhou disclosed the limitations as described in claim 2, including wherein the "Hypertext Transfer Protocol Security" protocol comprises a "Secure Socket Layer" protocol or a "Transport Layer Security" protocol (Zhou, [0023]).

10. Regarding claim 4, Zhou disclosed the limitations as described in claim 1, including wherein the receiver-specific message is transmitted to the specified receiver as an e-mail message, an SMS message or as a voice message (Zhou, [0021]).

11. Regarding claim 7, Zhou disclosed the limitations as described in claim 1, including wherein access to the Web server is protected by a login prompt and a password (Zhou, [0070]).

12. Regarding claim 8, Zhou disclosed the limitations as described in claim 1, including wherein the Web server is integrated with hardware of the controller (Zhou, [0021]).

13. Regarding claim 9, Zhou disclosed the limitations as described in claim 1, including wherein at least one of the database and the Web server are implemented as hardware that is separate from hardware of the controller (Zhou, [0021], Zhou disclosed the ASP may be implemented with numerous servers).

14. Regarding claim 10, Zhou disclosed the limitations as described in claim 1, including the step of transmitting at least one of data, parameters and programs from the specified receiver to the controller (Zhou, [0111]).

15. Regarding claim 11, Zhou disclosed an Application Service Provider ("ASP") which serves as an intermediary between devices and end users, providing users the ability to monitor sensor data for one or more devices. Zhou disclosed the ASP comprising one or more servers, including web servers and database servers, for which users have the ability to access device data, specify alert threshold values and receive notifications from the ASP (Zhou, [0021]). Zhou further disclosed that the users may specify what device the user is to receive the alerts (Zhou, [0079]). As such, the system of Zhou clearly assigns a specific receiver to each alarm event as specified by the user. Zhou disclosed users accessing the ASP through a secure website allowing authorized users to update device configurations, set up alerts, monitor other parameters, as well as view sensor data (Zhou, [0022], [0111]). As such, Zhou clearly disclosed that only authorized users can access device information through the secure site. Zhou disclosed that users who cannot access the ASP website can contact a Call

Management Center via a convention telephone communication network, and that users “may call the CMC for additional information beyond the basic message generated by the ASP’s automatic notification system (Zhou, [0022], [0102]). As such, it is evident that Zhou disclosed the notification system only sending a basic message indicating that an alert event occurred, and the user must either log in to the secure website to find out additional information or call the CMC, which requires “PIN verification” (Zhou, [0022]).

Therefore, Zhou disclosed a method for securely providing event-relevant information about an alarm event occurring in a machine from an industrial controller controlling the machine to a specified remote receiver via a network using an Internet-related protocol, comprising the steps of:

assigning a specific receiver to each specific alarm event (Zhou, [0079]);
writing the event-relevant information provided by the controller to a database, said event-relevant information including sensitive event-relevant information (Zhou, [0065]-[0068], ASP database stores all device information including historical and status information)

transmitting to the specified receiver a receiver-specific message indicating that the a specified alarm event has occurred and not containing said sensitive event-relevant information (Zhou, [0022], [0102], Zhou disclosed a “basic message” being sent by the notification system; see [0089]); and

accessing the event-relevant information written to the database for the specified receiver via a modem using a modem connection protected by an authentication protocol, in response to the receiver-specific message ([0022], Zhou disclosed users

able to access the information via the Call Management Center, an automated telephone system hotline available to obtain data after PIN verification) and

performing at least one of failure analysis or fault repair on the machine using the sensitive event-relevant information accessed using said cryptographically protected communication protocol (Zhou, [0023], [0111], [0067] Zhou disclosed the system detecting when a device fails; [0101], Zhou disclosed providing basic alerts to admins for when errors are detected; [0111], Zhou disclosed users use the website to update the configurations of the devices using historical information for the devices; [0114] Zhou disclosed the users analyzing the collected information after being authorized on the website).

16. Regarding claim 12, Zhou disclosed the limitations as described in claim 1, including wherein the event-relevant information written to the data base includes at least one of event messages, fault messages, information about machine status and process information, or a combination thereof (Zhou, [0068]).

17. Regarding claim 14, Zhou disclosed the limitations as described in claim 1, including wherein only a receiver-specific message indicating that a specified alarm event has occurred is transmitted to the specified receiver (Zhou, [0022], "basic message").

18. Regarding claim 15, Zhou disclosed the limitations as described in claim 11, including wherein the event-relevant information written to the data base includes at least one of event messages, fault messages, information about machine status and process information, or a combination thereof (Zhou, [0068]).

19. Regarding claim 17, Zhou disclosed the limitations as described in claim 11, including wherein only a receiver-specific message indicating that a specified alarm event has occurred is transmitted to the specified receiver (Zhou, [0022], "basic message").

20. Regarding claim 18, Zhou disclosed the limitations as described in claim 11, including the step of transmitting at least one of data, parameters and programs from the specified receiver to the controller (Zhou, [0111]).

21. Regarding claim 19, Zhou disclosed the limitations as described in claim 11, including wherein the event-relevant information that is written to the database includes at least one of event messages, fault messages, information about machine status and process information, or a combination thereof (Zhou, [0068]).

22. Regarding claim 20, Zhou disclosed the limitations as described in claim 11, including wherein only a receiver-specific message indicating that a specified alarm event has occurred is transmitted to the specified receiver (Zhou, [0111]).

23. Regarding claims 21 and 22, Zhou disclosed the limitations as described in claims 1 and 11, including wherein the event-relevant information is written to a receiver specific database element of the database (Zhou, [0063]-[0079]).

24. Regarding claims 23 and 24, Zhou disclosed the limitations as described in claims 1 and 11, including wherein event-relevant information written to the database for the specified receiver is accessed in response to the receiver-specific message (Zhou, [0114]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zhou (US 20080186166) in view of Qi et al. (US 6892064).

26. Regarding claim 5, Zhou disclosed the limitations as described in claim 4. Zhou did not explicitly state wherein the e-mail message includes a cross-reference, in particular a URL address, that provides a link to the event-relevant information that is stored in the database for the specified receiver.

Qi disclosed including a URL linked address within an email in order to provide the user with easier access to the service provider (Qi, col. 17, lines 45-55). Qi provides evidence that the use of URL linked addresses within emails were well known at the time the invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate using URL linked addresses within the email notifications of Zhou in order to obtain the predictable result of making it easier for users to access their device information upon indication of an alert, thereby making it easier and faster for the users to correct any problems there may be with their devices, and as such, making the system more desirable to use by its customers.

27. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zhou (US 20080186166) in view of Subramaniam et al (US 20070208697).

28. Regarding claim 6, Zhou disclosed the limitations as described in claim 4. Zhou did not explicitly state wherein the event-relevant information written to the database for the specified receiver includes file attachments which are stored in the database for the specified receiver.

Subramaniam disclosed that information may be saved as file attachments and stored in the database so that they can be downloaded by users (Subramaniam, [0318]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate saving the alert information as file attachments within the database of Zhou in order to allow users, when accessing their device information through the database, to download such information as a file to store for archiving and keep for reviewing historical data (Zhou, [0068]), thereby allowing users to maintain information about their devices

Response to Arguments

Applicant's arguments filed 2/11/2009 have been fully considered but they are not persuasive.

Arguments regarding the 35 USC 112 2nd Rejection

Applicant has failed to show that Applicant's specification provides a definition of "sensitive event-relevant information". Applicant attempts to equate "confidential business data or "confidential technical data" as well-known types of sensitive information, but nowhere in Applicant's specification contains evidence of this definition. It appears that Applicant attempts to point to paragraph [0007] of Applicant's specification to show support, but the paragraph does not mention anything at all regarding "confidential business data or "confidential technical data" or even "sensitive" data. There is simply no support to differentiate between what is considered to be sensitive and what is not sensitive.

Arguments regarding the 35 USC 102 Rejection

Applicant continues to argue the point regarding the sensitive event-relative information. In response, Examiner points out that Zhou clearly requires the user to log on to a web page in a secure manner in order to access encrypted information regarding the alerts received, which resulted from event information of devices.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "modem connection protected by an authentication protocol") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Gauns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant appears to argue that the controller cannot be the system that the website resides. However, Applicant has not provided any specific arguments as to why the claims controller cannot be interpreted as such. The claim simply recites a controller that has a database performing the functionality of monitoring and alerting users when alerts occur. The reference clearly disclosed this as shown in the rejection. Therefore the rejections are respectfully maintained.

Applicant argues that the reference does not teach performing failure analysis with the sensitive information. Examiner respectfully disagrees as it is clearly shown that the user is alerted when a device fails and uses all history information in order to configure that device, which clearly entails analysis of such information to at least determine where the fault occurred and what to fix. Otherwise it would be pointless for

such information to be obtained and for the user to be able to review it. This is the entire purpose for this information.

As such the rejections are respectfully maintained.

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure

relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J Bret Dennison/
Primary Examiner, Art Unit 2443